

COMMISSIONERS APPROVAL

GRANDSTAFF *Cg*

ROKOSCH

THOMPSON

CHILCOTT *gc*

DRISCOLL *LD*

PLETTENBERG (Clerk & Recorder)

Members Present.....Commissioner Carlotta Grandstaff,
Commissioner James Rokosch, Commissioner Alan Thompson, Commissioner Greg
Chilcott and Commissioner Kathleen Driscoll

Date.....February 25, 2008

Minutes: Beth Perkins

► The Board met for a continuance of the Request for Commission Action for Sunnyside Orchards #3 Block 9 Lot 4AP (Carleton) Minor Subdivision. Present were Planner Randy Fifrick, Planner John Lavey, Planning Director Karen Hughes and Representatives Terry Nelson and Ron Uemura.

Commissioner Grandstaff called the meeting to order. She requested any conflicts of interest, hearing none.

Commissioner Grandstaff asked Randy if he had anything to add to the Staff Report. Randy replied no.

Terry gave some background on the property. He stated the owner shares a road with the neighbor to the north and they have a dust abatement program. He stated there is an irrigation ditch that feeds the refuge. He stated to have the irrigation piped is a substantial cost. It only affects the one lot. Terry compared the requested piping to the Moiese Meadows Subdivision. He suggested making a covenant to address the issue.

Terry stated level two treatment system was requested, however this subdivision has full DEQ approval for the septic pending today's approval. There are no sanitation issues. Terry discussed the contribution to the school district.

Commissioner Grandstaff closed public comment and opened Board deliberation.

1. Effects on Agriculture:

Commissioner Rokosch stated there is an offer of mitigation for the Open Lands.

2. Effects on Agricultural water-user facilities:

Commissioner Rokosch expressed his concerns with the letter received from Lee Metcalf Refuge. Terry replied there is a 24 inch pipe proposed and up the ditch from this location is an 18 inch culvert. He does not understand Commissioner Rokosch's concerns about the impacts this subdivision will have on this ditch. The pipe the Refuge is suggesting is \$25 per lineal foot. The Developer is looking at a cost of \$6,000 to \$7,000 to pipe this ditch. Commissioner Thompson stated he has given this subdivision much thought. He stated they are not going to be able to measure the value of the Refuge to the valley. The Commissioners have to do everything they can to protect the water going into the Refuge. He stated he has read Terry's letter and can see his point of view. However, each problem compiles and makes it worse. This began with Moiese Meadows.

Commissioner Chilcott stated he thought there was an agreement with the Refuge manager. If there is an 18 inch culvert, it does not make sense to him to have the Refuge request a 24 inch pipe. Commissioner Rokosch replied there were issues in regard to the culvert being undersized. He stated the 24 inch pipe has already been approved for Moiese Meadows and he believes it would create problems reducing it to 18 inches. Ron stated he reviewed the ditch and can't see where it would be compromised.

Commissioner Chilcott asked if there was concern of people piping out water from the ditch.

Commissioner Grandstaff asked if the Board was in consensus to go with the Staff recommendation that the developer of this subdivision enter into an agreement similar to that of the agreement settled upon for Moiese Meadows, which is reflected in condition 11. Randy asked if the Commissioners wanted to change the language to make the pipe a maximum of 24 inch diameter size and leave it up to the Refuge to agree to something less. The Board had mutual consensus to go with Randy's recommendation to change the language of condition 11.

3. Effects on local services:

Commissioner Grandstaff stated there is offered mitigation of \$500 to Three Mile Fire Department for contributions on Lots 4A and 4C prior to final plat; also an offer of \$500 for school district contributions on the residential lot prior to final plat approval. Commissioner Grandstaff stated the letter received from the school district indicates there would be a \$22,500 impact from the subdivision. Commissioner Rokosch used census figures to estimate an average of \$1,279 for non-capital impacts. In the absence of the impact fee study, there are still capital costs. He stated the Board needs to better mitigate contributions. Terry stated he is wondering when consistency is going to happen. The owner started this process two years ago and the requested amounts have changed in the last few months. He does not understand how the Board can request this. Commissioner Driscoll stated it depends on the subdivision. Each case varies with impacts.

Commissioner Rokosch stated the Board receives new information and it has to be considered. Terry stated there is no consideration to the damage done to the owner and what the Board can 'get out of her'. Commissioner Grandstaff stated the process will be easier once zoning is in effect. Commissioner Driscoll stated the owner brought it forward and she has the right to subdivide her land, however, the Commissioners must take into consideration the effects to the neighbors. Commissioner Grandstaff asked Terry if he would agree to the \$1279 school contribution for the one lot. Terry replied he will do what he has to do to get this approved. Commissioner Chilcott stated his point is that the county is collecting tax revenues for improvements to school districts and they are not proposing more residential but commercial which does not have effect on school districts. The residential lot being proposed is going to be the only one having effect on the school district. He stated the commercial lot has been contributing to the school district for some time for positive effects. He asked if it could be used in consideration of the suggestion amount. Commissioner Rokosch stated then the Board would have to consider the requested amount from the School District for offset. They have been splitting the fee upon first conveyance of 50%. Commissioner Grandstaff asked if the \$1279 is split between first conveyance and final plat. Terry agreed. Commissioner Thompson stated the Board had been consistent on school mitigation at \$250 to \$500 per lot. Now all of the sudden we are now requesting more. Commissioner Grandstaff replied it is not all of the sudden. They have had the information from Superintendent Ernie Jean about the impacts for some time. Commissioner Rokosch stated the information has always been there and he does not know why it was not used earlier.

Commissioner Chilcott stated there was an agreement made and suggested moving on. Commissioner Chilcott stated there was an offer of mitigation of \$500 per lot to Public Health and Safety. Commissioner Grandstaff requested the mitigation wait until the sixth criteria has been discussed. The Board discussed the fiscal impact model usage for subdivisions. Commissioner Rokosch suggested giving the model to the developer for future use. Commissioner Chilcott stated he agrees with Terry this subdivision has been in the works since 2005 and needs to move on. Commissioner Rokosch stated the \$500 was derived from a simplistic approach. He reviewed the general funds expenditures with the approach taken for creating the amount. Commissioner Chilcott stated these are two commercial lots utilizing less public safety than residential. Commissioner Grandstaff noted they have a deadline for decision.

Commissioner Rokosch stated using this year's budget; he would suggest \$212 to \$245. Commissioner Grandstaff requested clarification. She asked if it was \$212 for the lot for operating expenses. Commissioner Chilcott stated the commercial use of the lot would offset the operating expenses requested. Commissioner Rokosch stated the Board does not see a lot of mixed residential and commercial lots. He would be willing to accept the offset as a wash.

Commissioner Grandstaff stated there is offered mitigation of a contribution of \$500 per lot for Public Safety.

4. Effects on Natural Environment:

Commissioner Grandstaff suggested the recommendations made to offset the impacts to the environment be a requirement not a recommendation. Commissioner Rokosch stated he agrees with Commissioner Grandstaff. Civil Counsel Alex Beal stated if the Board enacted building codes, there would not be a problem at all. He does not see a problem with the recommendation of no wood stoves or EPA recommended wood stoves in the past. Mandating it would be a problem. Commissioner Grandstaff stated someone could argue it after the fact. Commissioner Rokosch asked Terry if he had any problems with requiring EPA recommended wood stoves and requiring them as a second heat source only. Terry stated with previous legal counsel, he didn't always agree but he had pretty much the same opinion as Alex. He is in agreement with Commissioner Rokosch.

Randy stated Bob Jeffrey was here in December and he expanded the Staff recommendation on the wood stoves due to the inability of building codes.

Commissioner Rokosch opened the discussion of ground water quality. Commissioner Chilcott stated the developer has met the requirements of DEQ for approval. Commissioner Rokosch stated he cannot see any difference between the proposal of this subdivision and Moiese Meadows. The recommendation however, was not specific to level two treatments and no letter has been received from DNRC. Commissioner Grandstaff asked Commissioner Rokosch if he is requesting level two treatments. Ron stated there is nothing from Fish and Wildlife for septic on these lots. There are only two wells being put in and they have met all DEQ requirements pending today's approval. Commissioner Rokosch stated there is disconnect of DEQ with the levels of phosphorus and nitrates being treatable. The Commissioners have the responsibility to reduce the pollution of nitrogen. Commissioner Chilcott stated he understands the responsibility but questions the legality. Commissioner Grandstaff replied this body has the responsibility and the legality under criteria six for public health and safety. Commissioner Chilcott asked if they had identified the point source of the nitrates. Commissioner Rokosch replied septic systems, fertilizers and agricultural practices. In the case of phosphorus, there are different sources. Alex stated he does not know of the TMDL study can be brought in to use without conveying new information.

Commissioner Grandstaff requested a five minute recess.

Commissioner Grandstaff reconvened the meeting.

Commissioner Chilcott asked before issuing new information if it fell into the current regulations. Commissioner Grandstaff replied yes it does under the responsibility of Public Health and Safety. Commissioner Rokosch reviewed the material on TMDL with the Board. Alex asked what effect this had on the decision of the Board. If they are identifying a problem requiring mitigation such as level two treatments, you have to explain how you arrived at it. He does not know what kind of findings the Board will base its decision upon. Alex stated he does not know how the Board can vamp the findings legally since it is the responsibility of the DEQ. Ron stated the property is at 2.3

milligrams. The requirement for level two treatments is 5 milliliters. He does not understand the requirement the Board is basing the regulation of level two septic. He stated DEQ is ready to issue final approval. Commissioner Rokosch stated on page 6 of the handout (see attached) there is a conceptual nutrient model. He reviewed the components of the model with the Board. Commissioner Driscoll stated there are things being pushed into the river that add to the TMDL. It is what is underground and being pushed into the water source. Ron replied the introduction of the TMDL is questionable and how it can be applicable to this subdivision request when it has not been introduced before to the Board. How is this specific to this subdivision? Where is the requirement in the subdivision regulations? Commissioner Driscoll replied when you put things into the ground, you have to prove you are not affecting it. We have to ask if we have looked at it.

Commissioner Rokosch asked everyone to refer to page 1 on the bottom corner. He discussed the total nitrogen for the receiving waters of the subdivision. He then discussed page 2 for the comparison and the levels of standard. Ron stated what the Board is saying is the entire Bitterroot Valley should be level 2 septic and above. Commissioner Rokosch stated the ground water studies showing the ground water flow of the Refuge water in this case of proximity should be considered. We do have provisions in the regulations. Terry asked if Commissioner Rokosch is stating this subdivision will pollute the river. Commissioner Rokosch replied the information shows a good argument. With the information presented with TMDL, and in order to protect Public Health and Safety, the Board needs to consider the effects. Ron stated until the Board adopts this information as regulation, he does not see why the Board would impose a more stringent regulation than State requirements. Terry stated this subdivision is far below the requirements for level two treatments. Commissioner Chilcott stated this comes back to the discussion with the State. They have the same agency giving two different stories. He does not think the Board has the authority to enforce the conceptual model. He does not know how the Board takes a conceptual model and then turns it into a finding of fact. Alex stated DEQ has a process to address these issues. He does not know how the Board can mandate a certain level of treatment if the applicant is in compliance with DEQ. Commissioner Grandstaff stated she does not agree with legal counsel. It is the job of the Board to protect Public Health and Safety. Alex replied State regulations trump the Board. Commissioner Driscoll stated she is looking at these subdivisions on a case by case basis. Alex stated his duty is to advise the Board from a legal point of view. In this case, the Board does not have the legal right to require this subdivision to have level two treatments. Commissioner Chilcott stated this subdivision is not across a road from running water. There is a log operation across the street. Commissioner Rokosch stated it is the Board's responsibility to ensure Public Health and Safety. The Board has new information and it is the Board's responsibility to use it. He does not know of any points of law that would not protect their decision. Terry stated there are laws required for a subdivision. They have met all the requirements and paid for the DEQ process.

Board deliberation followed regarding the request for level two treatments. Commissioner Chilcott stated the Board can argue this request all day and not come to a decision. He suggested moving on. Commissioner Rokosch replied he agrees with

Commissioner Chilcott however, ultimately making a decision is the Board's responsibility. Commissioner Chilcott replied this information is not site specific.

Commissioner Grandstaff requested any further comments.

Alex stated if the Board factors in the TMDL report on their decision, then it would be considered as new information. He stated the first part is to decide on the relevance.

Commissioner Rokosch asked if a weed management plan had been developed. Terry replied yes it was signed off on May of 2006. Commissioner Grandstaff stated this is usually implemented upon agreement. She asked if the weed plan had been followed up to this point. Terry replied he does not know if it has been implemented. Commissioner Driscoll asked about the depths of the wells. Ron replied it is a minimum of 25 feet according to DEQ. He stated wells in the area are 65 feet deep.

Commissioner Rokosch discussed the drinking water from the well source as conduits of the aquifer. He requested double casing of the wells. He then discussed the noise levels and requested notification of noise levels to include hunting noise.

Commissioner Grandstaff requested any further comments, hearing none.

5. Effects on Wildlife and Wildlife Habitat:

Commissioner Chilcott stated the effects are sufficiently mitigated.

6. Effects on Public Health and Safety:

Commissioner Grandstaff expressed her concern for traffic safety. Her concern is the amount of traffic increasing on Eastside Highway. Alex stated when it directly accesses the Eastside Highway; it is a State road issue. Terry stated the approach permit has been approved. Commissioner Grandstaff requested a study from Montana Highway Patrol statistics. Alex asked what she would do with the information. Commissioner Grandstaff replied she does not know other than to have the information be part of the subdivision review. She stated she would like to know if the Highway Patrol communicates with MDOT. Her concern is allowing the traffic to increase which would increase fatalities on Eastside Highway. Alex replied it is not the Board's decision; it is the State's decision to allow the approach. Commissioner Driscoll asked Alex what is the ability of the Board to request a traffic study. Alex replied the Board does not have discretion to request a traffic study on a road that is not county maintained. Terry replied there is a requirement in the regulations, if you are adding x-amount of traffic, then you are required to do a traffic study. Board discussion followed regarding MDOT requirements for the approach permit and the Board's request for a traffic study.

Commissioner Rokosch stated he does not believe the \$500 contribution to Public Safety adequately mitigates the impacts on the increase of demand on those services.

Commissioner Driscoll asked what the amount of water is to put a fire out. Commissioner Chilcott replied there are a lot of factors to be considered such as the size of the structure. Commissioner Driscoll stated she needs to know the information in order to ensure Public Health and Safety. Commissioner Grandstaff stated the Fire Departments are reassessing their request of \$500 contributions. Commissioner Chilcott replied there is a QRU in the Three Mile Fire District. Alex replied it is part of the impact fee in the future. Commissioner Driscoll stated it is cheaper to do these improvements up front. Karen replied Missoula required water cisterns in subdivisions until they decided they did not want them in every subdivision. Ron relayed Three Mile Fire District stated 1,000 gallons are needed in order to fight fires. Alex stated he is on a public water system and it is a question on who is responsible for the maintenance. In this case, you know it works. Commissioner Rokosch stated the majority of calls are not fires but medical emergencies. He believes in this case, commercial lots have more of an impact. The Commissioners are being asked to increase the level of demand without additional mitigation. Board discussion followed regarding the increase in demand in the Three Mile area. Terry stated he is offering no further mitigation than the previous contributions.

Commissioner Rokosch expressed his concern with the ground water quality. He discussed site specific users as well as off site users. He recommended drilling the wells to the next aquifer. Ron stated he is not sure if there is another aquifer below the 65 feet. Karen asked what the finding is to base the request of drilling to the next aquifer. Alex replied there may not need to be a "why" to base the request. Ron stated they have three well references in this subdivision. One was 100 feet, one was 78 feet deep and the last is 65 feet yielding 25 gallons per minute. Commissioner Driscoll stated she is asking them to hit a clay layer for better water quality level. Ron stated the recovery level is near zero.

Commissioner Chilcott requested any offered mitigation. Terry replied he cannot offer any level of mitigation without Mrs. Carleton being present.

Commissioner Grandstaff asked for a recap of the offered mitigation.

Randy stated the mitigation offered is \$500 for the fire district payable upon final plat, \$500 at for Public Health and Safety payable upon first conveyance with CPI, \$250 for Open Lands payable at first conveyance with CPI, \$1,279 for the school contribution split 50% with final plat and consumer index payable at first conveyance, requiring the wood stove recommendation as a requirement not a recommendation, and adding to Condition 11 so to say the pipe shall be 24" diameter or less.

Commissioner Chilcott made a motion to conditionally approve the Sunnyside Orchards 3, Block 9, Lot 4, AP Minor Subdivision based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report and as mitigated here today. Commissioner Thompson seconded the motion.

Commissioner Grandstaff requested any further discussion, hearing none.

Commissioner Grandstaff, Commissioner Thompson, Commissioner Chilcott and Commissioner Driscoll voted 'aye'. Commissioner Rokosch voted 'nay'.

► The Board met for a continuance to discuss and possibly award the proposals for the Professional Civil Engineering Services and land surveying from February 7th. Present at this meeting was Road Supervisor David Ohnstad.

Commissioner Driscoll was not present at this meeting.

Commissioner Grandstaff called the meeting to order

David gave an overview of the proposals received. He stated two proposals were received for Civil Engineering. One from PCI and one from WGM Group. **It is his recommendation to renew the contract with WGM Group as primary and PCI as secondary.**

He stated three proposals were submitted from Alcyon LLC, WGM and PCI for Land Surveying Services. **It is his recommendation to award to Alcyon, LLC as primary and PCI as secondary.**

Commissioner Chilcott made a motion to approve staff recommendations of the execution of the contracts. Commissioner Rokosch seconded the motion, all voted 'aye'.

Minutes: Glenda Wiles

► The Board met with Road & Bridge Supervisor David Ohnstad and the Airport Board for discussion and decision on a Memorandum of Understanding (MOU) for gravel at the Airport and an Airport update with the Airport Board Members. Dave Hedditch stated Airport Board Member Jim Trowbridge gave an appraisal which included the cost of \$500.00 per month to rent this gravel area. The Road Supervisor and Airport Board settled on \$5,000 per year for the use of the property retroactive to July 1, 2007. Dave also noted since the Road Department took gravel they would like to be paid for 4,000 cubic yard of gravel.

Page stated they asked the previous Road Supervisor Mike Wiles about the amount of gravel which was the 4,000 cubic yards with an estimate of its value at \$1.50 per cubic yards.

David stated he has been available for the past three months, therefore wondering why he was not asked for this estimate. So, if they want to discuss it he can do that now. He stated there were some disputes over the previous materials. Many of the road workers stated the Road Department built the airport and the FAA had no role in purchasing the property at the airport. While he did not want to debate that, if the Board determined there was some need to pay for some of the materials, they could do a trade for services as a swap for the purchase of the materials.

Commissioner Thompson stated in the past the county had some leeway, but there will be more controls in the future under FAA requirements. Therefore it is important to come up with these types of agreements such as the MOU. He stated this MOU looks like a good agreement for both parties.

David stated they will utilize this parcel for storage, equipment, materials and processing of materials. While they might not agree with the management of the past, this agreement might be a manner in which to do this and have a framework of financial infrastructure and tracking monies spent at the airport.

Commissioner Rokosch asked if there was a need to put more detail into this MOU. Dave Hedditch suggested these monies be utilized for outstanding loans leaving a minimum of \$1,000 in the account at the end of the year. Carl asked about the continuing use of gravel mining.

Dave Hedditch stated the Airport Board has no problems if the Road Department took more gravel.

David Ohnstad stated this is not a permitted site through DEQ and it is not likely they would do more mining as the floor is below the existing grade. However they intend on reclaiming this area. He also stated the idea of a money transaction is not something he has discussed; as they simply want to hold the \$5,000 in limbo and utilize that money in services.

Page thought the trade in services and cash transaction was discussed and that is why the MOU was written up the way it was. Page stated the Road Department does maintenance on his equipment and those services are expensive. Dave Hedditch stated David Ohnstad will keep track of those services and value of such. Page and Dave stated the FAA will not allow the assignment of any mineral rights and this MOU is required to comply with their FAA funding issues.

Page stated he will re-write the MOU and address any cash exchange and trade of services on an annual basis. David stated he is not anticipating any cash transaction. Two years ago his department was called in to build a landing pad and road. Even if \$5,000 accrues year to year that would go pretty quickly when they build roads at the airport. He stated it does not make sense to him that departments pay each other rather than do in-kind services.

Commissioner Rokosch asked what would happen if the trade works another way – what if the Road Department did some services that actually cost more than the trade. Dave Hedditch stated the Road Department should be paid for their work. Those projects were to be paid for by the County Commissioners, not the Airport Board. He stated if the revolving account gets too big, they would like to take some of that money out of it and pay down some loans. If they buy land there will probably be a gravel pit at the end of

the runway which the Road Department could utilize. David Ohnstad stated that would be dependent upon the material.

Commissioner Rokosch stated one challenge is the annual budget for each department and if there is going to be any cash exchange along with an exchange of services; it needs to be spelled out in the MOU. Commissioner Chilcott stated he does not remember a final resolution on the build out for the SEAT base. Dave Hedditch stated his recollection was the money was to come from the general fund. In June 22, 2007 it was agreed this MOU was needed.

Commissioner Rokosch asked if the Airport was able to reimburse the Road Department within a single budget year. Dave Hedditch stated it depended upon the project, but felt the Airport should not do any projects unless they have the money for it. Page stated he can foresee hauling dirt, equipment repair or road grading by the Road Department. The June meeting resulted in the Airport paying \$10,000.00 and the Commissioners paying the balance of the \$30,000 invoice for the first road.

Commissioner Thompson stated there are no discretionary funds left and he does not anticipate any revenue funds left over. He stated it is important the Road Department handle their job and not be pulled off to do jobs at the Airport.

Dave Hedditch asked what happens if they do build up a big reserve, such as mining gravel on some of the land purchases. Commissioner Chilcott stated that would be a different issue, such as mining a product and the cost would be recognized.

Commissioner Thompson asked if the new members of the Airport Board were aware of the intent some years ago to buy the land south of the airport.

Page noted the FAA approved this MOU. Commissioner Grandstaff and Commissioner Chilcott stated the language should be clear on the cash/trade and kinds of services to be provided.

Commissioner Thompson made a motion to approve the MOU as presented today. Commissioner Rokosch seconded the motion. Discussion of the motion took place. Commissioner Chilcott asked Commissioner Thompson if his motion included the changes discussed such as the \$5,000 being addressed as in kind services, correction to the spelling of personnel & equipment usage and to strike the word etc. Commissioner Thompson amended the motion to include in kind services, spell personnel correctly, remove the word etc. and install equipment use and to include (') in Airport Board. Commissioner Rokosch seconded the motion and all voted "aye".

In regard to the airport update, Dave Hedditch stated FAA Administrator John Styba had emailed the Purpose and Need statement within the EIS document. Dave Hedditch stated the Commissioners need to review this Purpose and Need statement making sure they are satisfied with this product before they move forward with the Environmental Assessment.

John wants this document sent to the FAA attorneys for final review but prior to that he would like comments by the Board. Glenda noted her research that does not bear any resolution for a public vote on the issue of extending the runway by 1,000 feet. All agreed. This will be placed on the agenda March 3rd.

David Ohnstad stated in regard to the issue of the gravel at the airport, Road Foreman Bill Meisner stated the Road & Bridge Department has done a lot of work at the airport and he can rely on Bill Meisner's take on the work that has been done. He also stated if there was an issue as to how much gravel the Road Department has taken from the Airport, the Airport Board should have asked him. The Commissioners reminded David that the previous meetings held on this issue was so this issue would not be brought up again as the 'hatchet had been buried'. David then noted the gravel taken was for the final reclamation – which was for the Airport's benefit.

Commissioner Chilcott stated the gravel was a benefit to the roads, thus the reclamation responsibility was upon the Road Department. Commissioner Rokosch and

Dave Hedditch stated if they receive another audit from the FAA and they ask us how much they are being paid for the Road Department's use of space on the airport property they have to have something to show them.

Commissioner Chilcott asked if the 4,000 yard use was recent. Dave Hedditch stated the Road Department took some material in order to reclaim the site in order to satisfy DEQ. He does not know how much it was. Dave Hedditch stated if they are audited, they can utilize the 4,000 cubic yards as a trade for the reclamation of the pit.

► In other business the Board met with Fair Manager Gary Wiley and members of the Fair Commission in regard to PI (public and institutional) Mapping/Zoning (non-commercial usage) of the fair by the City of Hamilton. Gary stated they have been working on the possibility of a building on the fairgrounds that could be rented out by SAFE. The City denied this usage based on the PI which does not allow any commercial business. Gary also noted the City stated the fairgrounds were grandfathered into their present usage. He stated the meeting with the City ended on a positive note, and those members of the Zoning and Planning Commission agreed the fair was 'cubbied' into a spot that was not really a good fit. Win stated they can not find an existing code the fair would fit into clearly, therefore if the Fair Commission determines a new code the City would be willing to put them into that zoning code. That definition would be under commercial. Win stated they will check with other Fairgrounds that are within city limits. If the current zoning can be changed they could then rent out the new building for revenue.

Gary stated the SAFE building would be a long term contractual agreement; right now the fair has short term agreements. The City Attorney Ken Bell reviewed this and stated the legal issue with the City is the long term versus short term.

Commissioner Chilcott stated variances can be for non profit which is what SAFE is. He stated he is not sure why Ken has adopted this position.

Commissioner Chilcott stated the variance was denied, thus the suggestion is a new zoning category should be adopted; that way the Fair does not have to keep going back to the City for each and every variance request. Gary stated they need help and support from the Commissioners on this rezoning request. Gary will contact numerous fairs in Montana to see how they are zoned so they don't start from scratch. In the mean time the Commissioners will contact the City Council in order to ascertain how they would like their request worded. Gary felt he can have something by the end of next week. He also noted they want to work with the city rather than be in an adversarial role. Two members of the City Planning & Zoning volunteered to come before the City Counsel to support the rezone for the fairgrounds.

Commissioner Driscoll read part of the Ravalli County proposed zoning draft which addressed non-profit zoning. Commissioner Grandstaff stated they will visit with Alex about the language and the Commissioners will attend the City Counsel meeting when it comes to requesting the re-zone.

► In other business the Board met to review the draft zoning regulations and Clarion's diagnosis under the 10 questions. This meeting was continued from Feb 20th. Present was Planning Director Karen Hughes. Commissioner Thompson asked if the CPC and Commissioners answer these questions, do the Commissioner's concerns override the CPC concerns. Karen stated this is simply to work through the comments, as Clarion is looking for similar thoughts or possible disagreements. The Commissioners will have the final say.

The Board reviewed the 10 questions from Clarion Associates on the draft regulations as follows:

Question #1) Do you think most of the land in the county naturally fits into one or more of the proposed zoning districts? If not, what types of zoning are needed: Should any of the proposed districts be eliminated? Please explain. **Answer: We should utilize wild land urban interface design standards/smaller acreage for agricultural definitions. High density housing is desirable but 20 units per acre are too much.**

Question #2) Is the list of uses permitted in the different zone districts appropriate for Ravalli County? If not, what uses do you think should be added (ore removed)? **Answer: If the overwhelming response is 1 or 160 acres or 1 for 80 is causing great concern; you might want to consider removing those designations. Consider smaller considerations for agriculture.**

Question #3) What should be prohibited in each zoning district? (Examples: landfills, swine production). **Answer: Septic systems in the Hamilton Recharge area; and septic systems up gradient from Lee Metcalf Wildlife Refuge, as well as aquatic (rivers and steams, ponds and lakes) resources (high density not appropriate).**

Question #4) What types of temporary uses do you anticipate needed code for? (Examples: carnivals, rodeos). Are those covered in the proposed zoning districts? **Answer: Farmers Markets, crafts fairs, peddlers, brew fests etc., OR don't regulate temporary.**

Question #5) What types of accessory uses will be allowed in each district? (Examples: barns, accessory dwelling units. **Answer: If zoning helps to allow 'mother in law' houses they should be termed as accessory uses. Karen will see if local zoning allows this if state law prohibits it. Cabins for rent would also be an accessory dwelling.**

Question #6) Does the list of zoning districts allow for the kind of growth you'd like to see in Ravalli County? Is the list of development requirements for each zone district appropriate for Ravalli County? What is the appropriate density of development in the various zone districts given the goal of each district? (e.g., should it be 1 unit/20 acres in the agricultural zones, 1 unit/5 acres in residential?) **Answer: Yes with suggestions they have made. Information is too detailed, people won't support this if districts are too detailed – go to the basics for land use and density. Protecting view sheds for height, protecting water resources.**

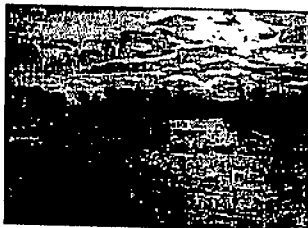
Question #7) Are there any topics related to size, scale, or development quality that should be covered that are currently missing from the draft? Examples may include open space, natural resource protection, commercial building design, etc. **Answer: Noise, traffic, pollution, hours of operation, etc. Zoning to encourage Business Parks.**

Question #8) Are there any topics that the current draft covers that should be dropped from the draft, and if so why? **Answer: Already answered**

Question #9) is the level of detail in the draft appropriate for Ravalli County? If not, what parts seem too complex? What parts seem too general? **Answer: Already answered**

Question #10) What feedback do you have regarding Clarion's preliminary diagnosis of the draft regulations? Which recommendations do you agree/disagree with? (Diagnosis is expected to be published mid-January 2008). **Answer: Grandfathering the non conforming use – to accept the notion of zoning allows for more leniency and flexibility.**

**TMDL: 101
&
Bitterroot Mainstem TMDL Planning Area**



Banning Starr, TMDL Planner
Water Quality Planning Section
Montana DEQ

Overview

Introduction

- What's a TMDL?
- Components of a TMDL
- Regulatory Frame Work

Bitterroot Mainstem TPA

- What's the Problem?
- What Data has Collected for the TMDL
- What Human Activities Influence WQ
 - General Estimations of Sources
- What Can We Do NOW to Mitigate These Contributions

Introduction

What's a TMDL?



A Number?

YES...

A Plan?

It's Both

Introduction

What's a TMDL?



A Number?

Amount of pollutant that a water body can receive from point, nonpoint & natural sources & still meet water quality standards.

A Plan?

Introduction

What's a TMDL?



A Number?

Amount of pollutant that a water body can receive from point, nonpoint & natural sources & still meet water quality standards.

A Plan?

Systematic approach to assessing water quality, determining if there is a problem, developing and implementing solutions.

Introduction

What's a TMDL?



A Problem-Solving Exercise

- Identify the problem (is there a problem?)
- Determine the degree of the problem
- Determine the source(s) of the problem(s)
- Implement solutions/on-the-ground fixes
- Monitor progress and success

Introduction

What to Expect from a Completed TMDL?

- A completed TMDL provides information on water quality problems and strategies to reduce pollutants by changing land and water management activities.
- A TMDL **DOES NOT** create or impose new regulations, but may affect how existing regulations are implemented.

The majority of pollution causing activities are unregulated.

Exceptions

Point Source Discharges
Stream Side Management Zones
310 Permits
Stormwater Discharges

Introduction

Regulatory Framework

- MT water quality standards protective of uses
- **Beneficial Uses:** Aquatic life and fisheries, agriculture, industrial, drinking water and wildlife uses.

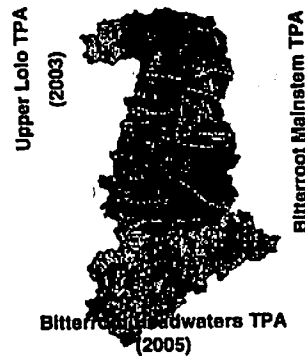


Introduction

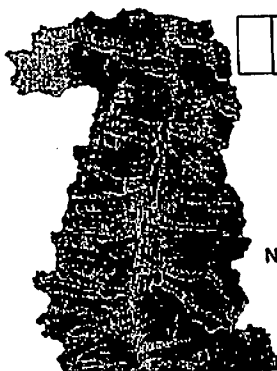
Regulatory Framework

- A Water body or segment that is failing to achieve compliance with water quality standards (i.e. failing to support beneficial use) is deemed Impaired.
- Impaired waters are placed on the 303(d) List.
- Both Section 303(d) of the Clean Water Act and Montana State Law require development of TMDLs for waters on this list where a pollutant results in an impairment.

Bitterroot River Watershed



What's the Problem?



Bitterroot Mainstem
TMDL Planning Area

2005 303(d) List
– 28 Stream Segments
➢ Partially supporting
➢ Not supporting

That is...
NOT Meeting WQ Standards

What's the Problem?



Bitterroot Mainstem
TMDL Planning Area

Probable Causes

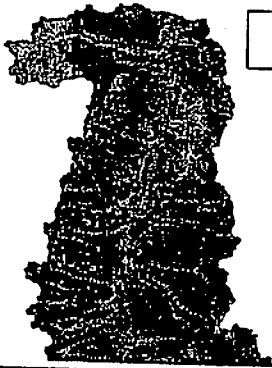
Pollutants

- Sediment
- Nutrients
- Temperature

Non-Pollutants

- Habitat Alterations
- Flow Alterations
- Riparian Degradation

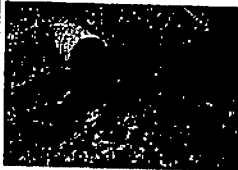
What's the Problem?



**Bitterroot Mainstem
TMDL Planning Area**

Sediment

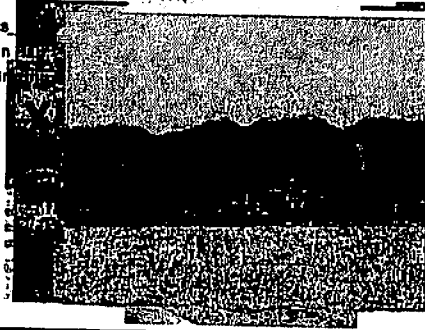
- > 16 Stream Segments



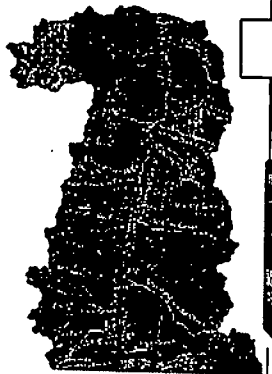
What's the Problem?

Probable Sources of Sediment

- > Bank Erosion
- > Unpaved Roads
- > Loss of Riparian
- > Agriculture & Gr
- > Residential Development



What's the Problem?



**Bitterroot Mainstem
TMDL Planning Area**

Nutrients

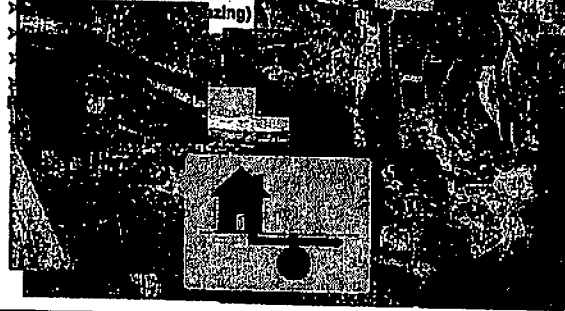
- > 15 Stream Segments



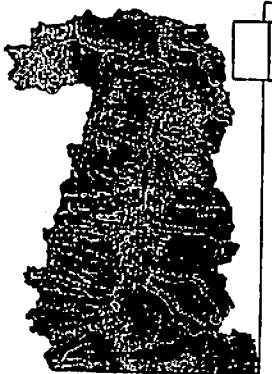
What's the Problem?

Probable Sources of Nutrients

- > WWTP & Septic



What's the Problem?



**Bitterroot Mainstem
TMDL Planning Area**

Non-Pollutant

- > Virtually all 28 stream segments are listed for one of the three non-pollutant causes.

Other Considerations

- > Generally there are large expanses within the TPA where WQ is very good.

- > Often WQ degradation does not span the entire water body.

-Impacts are Localized.

-Poor WQ is Attenuated Downstream.

- > Seasonality and Downstream Considerations

- > 303(d) assessments are coarse evaluations and can be somewhat conservative.

Data Collection via the TMDL

• Water Quality & Pollution Source Assessments

– Sediment

- Bank Erosion; including source assessments
- Unpaved Roads
- Geomorphology (Stream Form & Function)
- Sediment Accumulation in Depositional & Spawning Areas
- Aerial Photo Assessments (Estimates Riparian Health)
- Biological Monitoring (Macroinvertebrate Sampling)
- Modeling

– Nutrients

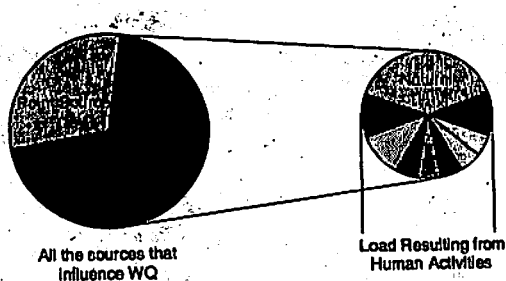
- Mainstem Sampling (7 Locations)
- Tributary Sampling (35 Locations)
- Modeling

What Human Activities Are Contributing to the Problem?
How Much is Being Contributed?

And

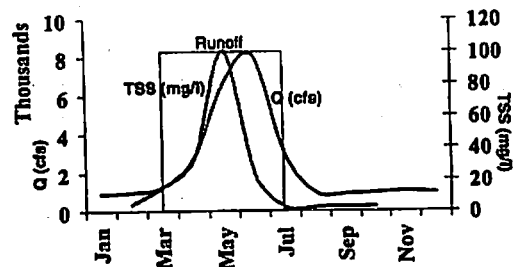
What Can We Do Now To Mitigate These Pollutants?

Annual Loading Conceptual Model

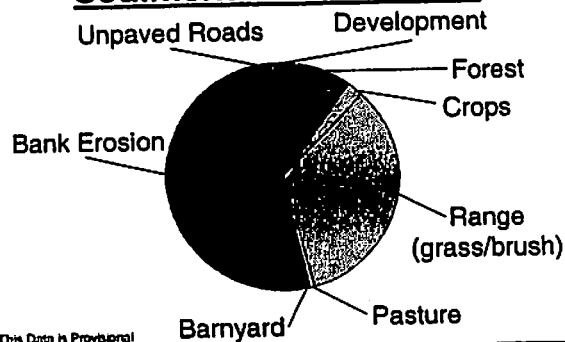


Annual Loading Sediment

Seasonal Characteristics

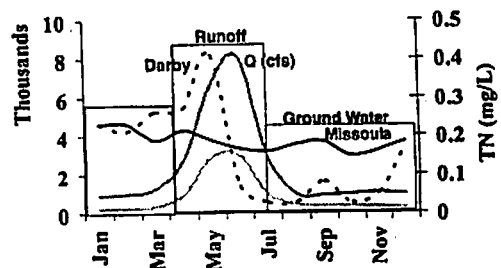


Annual Loading Sediment Source Model



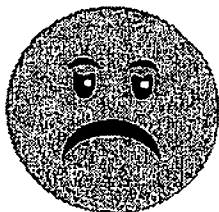
Annual Loading Nutrients

Seasonal Characteristics



Annual Loading Nutrients

To Date our Modeling Efforts Unfinished



Annual Loading 'Conceptual' Nutrient Model

1) Natural – All Reasonable Land, Soil and Water Conservation Practices

NUTRIENT CYCLING IN A WOODLOT



= 70 - 80% of the
Total N and P
Load???

Annual Loading 'Conceptual' Nutrient Model

1) Natural

2) Point Sources – Permitted WWTP

WWTP

Darby

Hamilton

Stevensville

Lolo

Permitting Information



Actual Load



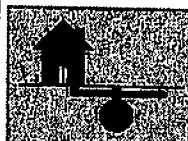
Total Point	TN	13,000 – 44,000 Kg
Source Load	TP	7,000 – 10,000 Kg

Annual Loading 'Conceptual' Nutrient Model

1) Natural

2) Point Sources – Permitted WWTP

3) Septic Sources – Non-Point Source



	TN	TP
# of Septic Tanks	13400	13400
Avg Flow (gpd)	200	200
Avg Concentration (mg/l)	50	10.6
Load per System (kg/day)	0.04	0.01
Total Watershed Load (kg/day)	608	108
Annual Load (KG)	185,404	39,306

This is what leaches to GW; Not what makes it to the stream

Annual Loading 'Conceptual' Nutrient Model

1) Natural

2) Point Sources – Permitted WWTP

3) Septic Sources – Non-Point Source

Certain Physical, Chemical and Biological Process

	TN	TP
Annual Load (KG)	185,404	39,306
25%	139,053	
50%	92,702	
90%		3,931

Annual Loading 'Conceptual' Nutrient Model

1) Natural

2) Point Sources – Permitted WWTP

3) Septic Sources – Non-Point Source

4) Livestock and Fertilizer – Non-Point Source

Livestock	# of Animals	Nutrients in Manure per Animal		Nutrients from All Animals	
		TN (kg/yr)	TP (kg/yr)	TN (kg/yr)	TP (kg/yr)
Cows & Cattle	33846	60	20	2015375	676920
Horses	4927	60	12	245350	58139
sheep	4470	7	1	30477	6258

Total 2,292,203 741,317

Again these number must be adjusted (0.5%)

11,461 3,707

Annual Loading 'Conceptual' Nutrient Model

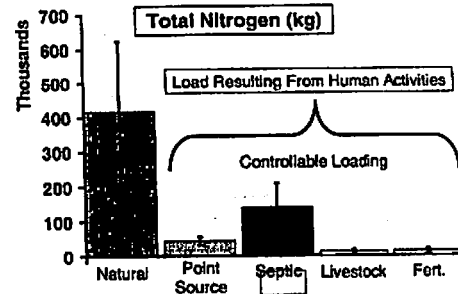
- 1) Natural
- 2) Point Sources - Permitted WWTP
- 3) Septic Sources - Non-Point Source
- 4) Livestock and Fertilizer - Non-Point Source

Basic Modeling Results

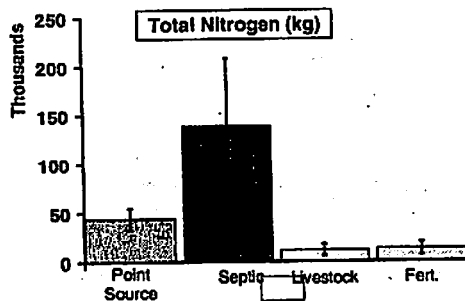
	IN	IP
Crop and Lawn Fertilizer	13,000	3,000

SO WHAT DOES THIS ALL MEAN?

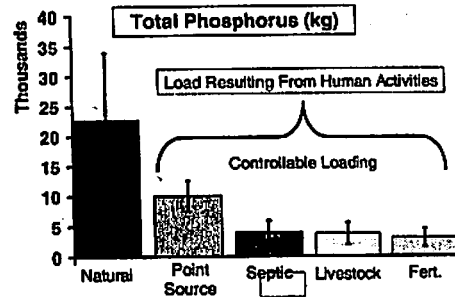
Annual Loading 'Conceptual' Nutrient Model



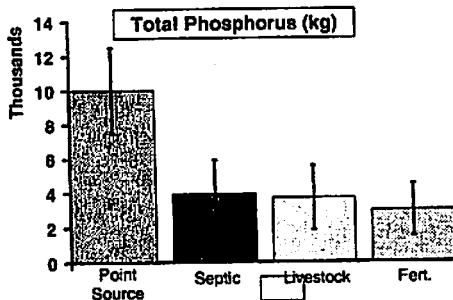
Annual Loading 'Conceptual' Nutrient Model



Annual Loading 'Conceptual' Nutrient Model



Annual Loading 'Conceptual' Nutrient Model



What Can We Do Now To Mitigate or Reduce These Pollutants?

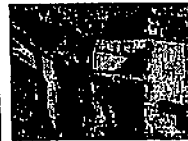
Point Source Pollution

Increase Level of Treatment & Reclaiming Historic Systems

• Reduces Nutrient Loading

Increased Treatment Technologies

Removing Additional Source



What Can We Do Now To Mitigate or Reduce These Pollutants?

Non-Point Source Pollution

Protect, Properly Manage and Restore Vegetated Riparian Areas

- Reduces Sediment Loading
 - Stabilizing Stream Banks
 - Provides Filtering of Terrestrial Sediment Sources
- Reduces Nutrient Loading
 - Stabilizing Stream Banks
 - Area Adjacent the Stream with Increased Nutrient Uptake



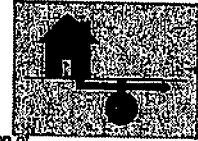
What Can We Do Now To Mitigate or Reduce These Pollutants?

Non-Point Source Pollution

Individual Source Level

Septic Loading

- Proper Design and Maintenance of System
- Increased Levels of Treatment (Incorporation of a sand filter)
- Connect to Sewer
- Facilitate Removal of Septic Nutrients
 - Increasing the Vertical and Horizontal Distance from GW & SW
 - Creating or Enhancing the Riparian Buffer

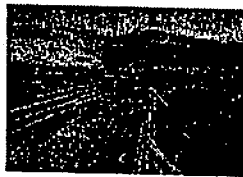


What Can We Do Now To Mitigate or Reduce These Pollutants?

Non-Point Source Pollution

Individual Source Level

- Agriculture (Crops and Grazing)
 - Livestock Management
 - Upland & Riparian Health
 - Fertilizer and Irrigation Management
 - Application Agronomic Rates
 - Riparian and Other Vegetated Buffers
 - Perennial, Ephemeral and Irrigation
 - Manure Management
 - Proper Storage and/or Application



What Can We Do Now To Mitigate or Reduce These Pollutants?

Non-Point Source Pollution

Individual Source Level

- Development
 - Stream Setback
 - Vegetated Buffer
 - Horses, Lawns and Gardens
 - Same as Ag.
 - Septic (Addressed in Septic Slide)
 - Roads
 - Setback and BMP (Erosion Control, Culvert Sizing)
 - Stormwater Control



What Can We Do Now To Mitigate or Reduce These Pollutants?

Non-Point Source Pollution

Individual Source Level

- Silviculture Activities
 - Stream Setback
 - Vegetated Buffer (SMZ Law)
- Roads
 - Setback and BMP (Erosion Control, Culvert Sizing)



Take Home Message

- > TMDLs; Systematic approach to assessing water quality, determining if there is a problem, developing and implementing solutions.
- > Within the Bitterroot Mainstem TPA – 28 stream segments on the 2006 303(d) List.
- > Significant controllable and/or reducible human caused sources have been ID'ed.
- > There are actions that YOU can implement now to mitigate these pollutants and their sources.

Thank You

